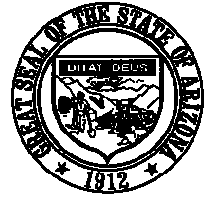




THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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Janet Napolitano
Commissioners
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Joe Melton, Yuma
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Joe Carter, Safford
Director
Duane L. Shroufe
Deputy Director
Steve K. Ferrell



April 28, 2004

A public meeting of the Arizona Game and Fish Commission will be held on May 14, 2004, and as authorized by A.R.S. § 17-201(D), the Commission will discuss and may vote to take action on the following matters:

Friday, May 14, 2004, Arizona Game and Fish Commission at the Pinetop Regional Office, 2878 E. White Mountain Blvd., Pinetop, Arizona 85935.

Meeting begins at 8:00 a.m.

1. Executive Session

- a. Sale or Lease of Real Property.** The Commission may vote to go into Executive Session to discuss, consult with, and instruct its attorneys and Department staff concerning negotiations for the sale or lease of real property and associated water rights pursuant to A.R.S. § 38-431.03 (A)(7).
- b. Legal Counsel.** The Commission may vote to meet in Executive Session in accordance with A.R.S. § 38-431.03 (A) (3) and (4) for the purpose of discussing and consulting with legal counsel in order to consider its position and to instruct legal counsel regarding the Commission's position on *State of Arizona v. Norton*, CIV02-0402 PHX-FJM; *Montoya v. Manning*, 301 F.3d 985 (9th Cir. 2002); *In Re General Stream Adjudication for the Little Colorado River and Gila River*; *Mark Boge v. Arizona Game & Fish Commission & Shroufe*, CIV2000-020754; *Mary R. LLC, et. al. v. The Arizona Game & Fish Commission*, CIV2001-015313; *Ameduri and Yee et. al. v. U.S. Forest Service et al.*, U.S. District Court No. CIV 02 2495 PCT FJM; *Bar D Cattle Co. v. Shroufe*, CIV2002-0872; *Phelps Dodge Corp. v. Arizona Dept. of Water Resources*, LC2003-000243-001DT; and *Arizona Biological Society, et. al. v. BLM*, IBLA appeal no. 2002-412.
- c. Legal Counsel Regarding the Silverbell Bighorn Sheep Herd.** The Commission may vote to meet in Executive Session in accordance with A.R.S. sections 38-431.03(A)(3) and (4) for the purpose of discussing and consulting with legal counsel in order to consider its position and instruct legal counsel regarding the Commission's position on possible settlement or litigation over the damages associated with the epizootic episode in the Silverbell Bighorn Sheep Herd.

Public Session begins immediately following the Executive Session, but no later than 9:00 a.m.

Awards and Commissioning of Officers

2. **Litigation Report.** The Department's legal counsel may report on the status of the following litigation matters: *State of Arizona v. Norton*, CIV02-0402 PHX-FJM; *Montoya v. Manning*, 301 F.3d 985 (9th Cir. 2002); *In Re General Stream Adjudication for the Little Colorado River and Gila River*; *Mark Boge v. Arizona Game & Fish Commission & Shroufe*, CIV2000-020754; *Mary R. LLC, et. al. v. The Arizona Game & Fish Commission*, CIV2001-015313; *Ameduri and Yee et. al. v. U.S. Forest Service et al.*, U.S. District Court No. CIV 02 2495 PCT FJM; *Bar D Cattle Co. v. Shroufe*, CIV2002-0872; *Phelps Dodge Corp. v. Arizona Dept. of Water Resources*, LC2003-000243-001DT; *Arizona Biological Society, et. al. v. BLM, IBLA appeal no. 2002-412*, and issues associated with potential litigation over the status of black-tailed prairie dogs and mountain plovers, and Mexican garter snake. A written report will also be available. The Commission may vote to take action on any case.
3. **Presenter: Bob Broscheid, Habitat Branch Chief. An Update on Current Issues, Planning Efforts, and Proposed Projects on State and Federal Lands in Arizona and Other Matters Related Thereto.** The Commission will be briefed on the latest developments relating to the implementation of land and resource management plans and projects on state and federal lands in Arizona and other matters related hereto. The update addresses decisions or activities since the April 16, 2004, Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
4. **Presenter: Anthony Guiles, Legislative Liaison. State and Federal Legislation.** The Commission will be briefed on the status of State and Federal legislation. The Commission may vote to take a position or provide direction to the Department for coordination, action, or proposed changes to legislation or other elective issues related to Department responsibilities.
5. **Presenter: Don Winslow, Acting Education Branch Chief. Statewide Shooting Range Project Update.** The Commission will be provided a presentation on the status of various statewide shooting range issues and projects. The update addresses decisions or activities since the April 16, 2004, Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
6. **Consent Agenda – The following items have been grouped together and are hereby noticed as consent agenda items to expedite action on routine matters, which may not require public discussion. The Commission will be asked to vote to approve these matters as presented, subject to approval or recommendations of the Office of the Attorney General. Commission members may remove certain items if further public input or discussion is deemed necessary.**
 - a. **Presenter: Rod Lucas, Region VI Supervisor. Collection Agreement with the City of Gilbert for the Transfer of Heritage Carry-Forward Monies to the Gilbert Parks and Recreation Department.** The Commission will be asked to vote to approve a Collection Agreement with the City of Gilbert to allow the transfer of \$15,000 Heritage Carry-Forward funds to the Gilbert Parks and Recreation Department for the construction of an information kiosk and shade ramada, and refurbishing wildlife viewing blinds as improvements to the Riparian Preserve at Water Ranch.

- b. **Presenter: Rod Lucas, Region VI Supervisor. Collection Agreement with the City of Phoenix for the Transfer of Heritage Carry-Forward Monies to the Phoenix Parks and Recreation Department.** The Commission will be asked to vote to approve a Collection Agreement with the City of Phoenix to allow the transfer of \$5,000 Heritage Carry-Forward funds to the Phoenix Parks and Recreation Department for the in the construction of information kiosks, placement of guardrails and other public viewing amenities at or near water-enhanced wildlife viewing sites at South Mountain Park.
 - c. **Presenter: Rod Lucas, Region VI Supervisor. Collection Agreement with Maricopa County for the Transfer of Heritage Carry-Forward Monies to Maricopa County Parks and Recreation.** The Commission will be asked to vote to approve a Collection Agreement with Maricopa County to allow the transfer of \$15,000 Heritage Carry-Forward funds to Maricopa County Parks and Recreation for the construction and placement of a 3-sided information kiosk and shade ramada at a trail entrance to a wildlife viewing area, and for supplying water and enhanced habitat for wildlife, as well as adding additional seating for wildlife viewing at the existing wildlife viewing area at Usery Mountain Park.
- 7. **Presenter: Carlos Ramirez, Rulewriter. Request for Consideration of the Petition by Mr. John Reed to Amend R12-4-407 Exemptions from Special License Requirements for Restricted Live Wildlife.** The Commission will be asked to vote to take action on the petition submitted by Mr. John Reed to amend R12-4-407. The requested amendment is to allow importation and sale of live crayfish in facilities meeting escape and habitat conditions, where escape is unlikely and the surrounding habitat is not favorable to the proliferation of the proposed species.
 - 8. **Presenter: Carlos Ramirez, Rulewriter. Request for Consideration of Mr. Adrian Simon's Petition to Amend R12-4-104, Application Procedures for Issuance of Hunt Permit-tags by Drawing, to Address Concerns Over the Number of Individuals that May Apply as a Group for Low Permit-Tag Hunts.** The Commission will be asked to vote to take action on the petition from Mr. Adrian Simon requesting amendment to R12-4-104. The amendment would limit the number of individuals that may apply as a group to two for hunts with 45 or fewer tags, and would only allow individual applications for hunts with 15 or fewer tags.
 - 9. **Presenter: Brian F. Wakeling, Big Game Supervisor. Options for Elk Management in Areas Where Management Objectives are to Keep Elk Numbers at the Lowest Possible Level.** The Commission will be briefed on options to make elk tags more available in areas where management objectives are to keep elk numbers at the lowest possible level, such as on the North Kaibab in Unit 12A. The Commission may vote to take action or provide the Department with direction on this item.
 - 10. **Presenter: Scott Bales, Private Attorney. Review of Proposals to Address Constitutional Concerns with Existing Regulations that Limit the Number of Nonresident Permits.** The Commission will consider different options to address the constitutional concerns that Arizona's limitation on the number of nonresident permits substantially affects interstate commerce, including a proposal made by Scott Bales, an attorney representing an interested group of hunters. The Commission may vote to take

action on, or provide the Department direction on any proposal. The Commission may vote to go into executive session for the purpose of obtaining legal advice from its attorneys on this matter pursuant to A.R.S. section 38-431.03(A)(3) and (4).

11. Presenter: Robert H. Bettaso, Native Fish Program Manager. Science and Native Fish Conservation. The Department will provide a briefing on the biological and legal status of the desert pupfish and Gila topminnow, and the ongoing statewide conservation effort to recover, downlist, and delist both species. A subsequent, but related, topic will include a briefing on Upper Verde River issues including impacts to native fishes (with particular attention to spokedace), sportfishes, and aquatic, riparian, and upland habitats. The Commission may vote to give the Department direction on this item.

12. Call to the Public. Those persons wishing to speak should complete a speaker's card and present it to the Host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.

13. Presenter: Leonard L. Ordway, Law Enforcement Branch Chief. Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife at Time Certain 1:30 p.m. The Commission will consider and take action on the Department's recommendations for license revocations and/or civil assessments for the individuals listed below.

<u>Name</u>	<u>Conviction</u>
Lambo, Randy K.	Count A: Knowingly take big game during closed season (mule deer). Count B: Possess unlawfully taken wildlife (mule deer). Count C: Possession of drug paraphernalia. Count D: Use game meat as bait while trapping (cottontail rabbit). Count E: Take wildlife by unlawful method (fox). Count F: Possess unlawfully taken wildlife (fox). Count G: Possess unlawfully taken wildlife (fox). Count H: Trap during closed season. Count I: Trap on public land. Count J: Take wildlife without trapping license.
Woodruff, Keith H.	Count A: Take big game during closed season (mule deer). Count B: Waste of game meat.
Walker, Sammy E.	Count A: Exceed bag limit (javelina). Count B: Possess/transport wildlife unlawfully taken (javelina).

Walker, Stan L.	Count A: Attach tag to an animal they did not kill. Count B: Improper tagging. Count C: Possession of unlawfully taken wildlife (javelina).
Engle, Brandon S.	Count A: Knowingly take big game during closed season (deer). Count C: Take wildlife during license revocation period.
Fierro, Enrique	Count A: Possess unlawfully taken wildlife (deer).
Lopez-Lopez, Jose	Count A: Possess unlawfully taken wildlife (deer).
Smith, William D.	Count A: Possess unlawfully taken wildlife (deer).
Mendoza-Garcia, Odilon	Count A: Possess unlawfully taken wildlife (deer).
Lewis, Cameron B.	Count A: Possess unlawfully taken wildlife (deer).
Cruce, Britt A.	Failure to comply with terms of a citation for wildlife violation (i.e. Count I: Fishing without a valid license and Count II: Failure to Appear on July 13, 2003) as per the terms of the Wildlife Violator Compact with the State of Utah.
Parkett, Charles	Failure to comply with terms of a citation for wildlife violation (i.e. Count I: Fish without a valid license and Count II: Failure to Appear on May 30, 2002) as per the terms of the Wildlife Violator Compact with the State of Utah.

14. Call to the Public. Those persons wishing to speak should complete a speaker's card and present it to the Host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.

15. Director's and Chairman's Reports. The Director and the Chairman will report on recent Department and Commission activities. This item will be informational only and no action will be taken at this meeting. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.

16. Commissioners' Reports. The Commissioners will report on their recent activities related to Game and Fish Commission duties and responsibilities. This item will be informational only and no action will be taken at this meeting. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.

17. Approval of Minutes for April 16 and 17, 2004, and **Signing of Minutes** for March 13, 2004, and a Telephone Conference Call on March 16, 2004.

18. Future Agenda Items.

The agenda may be revised and additional items may be added prior to the meeting as authorized by A.R.S. §38-431.02. In that event, an addendum to the agenda will be noticed and posted prior to the meeting at Department offices. Commission agenda items not noticed for a specific time may be taken out of order.

Background materials provided to Commission members concerning public agenda items are available for public inspection at the main office of the Arizona Game and Fish Department at 2222 West Greenway Road, Phoenix, at Department regional offices in Pinetop, Flagstaff, Kingman, Yuma, Tucson, Mesa and at the meetings.

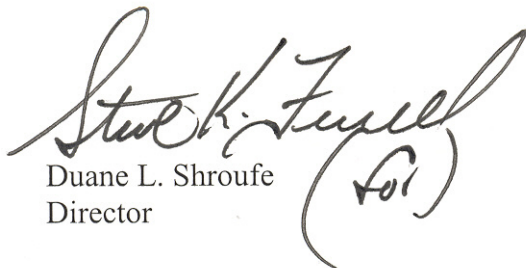
During the public meeting, the Commission may afford any person, his duly authorized representative, or both, the opportunity to present statements relating to agenda items, with or without the opportunity to present them orally.

The Commission may go into Executive Session for the purpose of obtaining legal advice from the Commission Attorneys on any of the above agenda items pursuant to A.R.S. § 38-431.03 (A) (3) & (4).

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, or this document in an alternative format, by contacting the AGFD Deputy Director, 2221 W. Greenway Road, Phoenix, Arizona 85023, 602-942-3000. Requests should be made as early as possible to allow time to arrange the accommodation.

The Arizona Game and Fish Department is responsible for managing Arizona's fish and wildlife resource as an enduring public trust. In addition, the Department is charged with promoting safe and responsible use of watercraft and off-highway vehicles. Funding is provided from the sale of licenses and permits; watercraft registration fees; federal excise taxes on firearms, fishing equipment, boats, and other sporting goods; State lottery revenues; donations on State income tax forms; and various contracts and grants. Department policy is set by the Arizona Game and Fish Commission, whose five members are appointed by the Governor.

"Managing Today for Wildlife Tomorrow"



Duane L. Shroufe
Director

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